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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,393	06/13/2000	William Keith Chandler	CNA-018-DIV	7087

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Ciena Corporation
Legal Department
1201 Winterson Road
Linthicum, MD 21090

EXAMINER

CHERRY, EUNCHA P

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,393

Applicant(s)

CHANDLER ET AL.

Examiner

EUNCHA P. CHERRY

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6,8,9,11,13-15 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13-15 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 13, 14 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Teichman et al.

Teichman et al discloses an apparatus for inspecting an optical device on an optical module (Figs. 1a-1f), comprising:
an optical platform (19);

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an inspection station disposed along a top surface of the optical platform (14) having an optical device interface located a fixed *first* distance above the top surface of the optical platform (22, 23);

an optical module carrier (13) for holding the optical module (12a) and conveying the optical module along the top surface of the optical platform to the inspection station (column 3, lines 36-65), the optical module carrier positioning the optical device at a *second* distance above the optical platform corresponding to the fixed *first* distance the optical device interface is located above the top surface (column 3, lines 41-47), wherein the optical module carrier further comprises:

a tray (13) having a top surface for supporting the optical module (see Fig. 1b);

vertical pillars (see Fig. 1a, two bumps that holds 12a) for securing the optical module on the top surface of the carrier; and

a plurality of rollers for conveying the tray (two elements guided along 16), the rollers each mounted in a bottom surface of the tray, each of the rollers extending a fixed distance below the bottom surface of the tray (see Fig. 1a).

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The method for inspecting an optical device on an optical module such as conveying, positioning and inspecting are inherently met by the disclosure of the prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teichman et al in view of Davis et al.

Teichman et al discloses the claimed invention as set forth above except that the platform is coated with silicone based coating. Davis et al discloses the platform that is coated with the silicon based coating (column 6, lines 36-41). It would have been obvious to one of ordinary skill in the art to coat the platform with silicone based coating for the purpose of increasing friction between the element and the platform so that the element can be stay on the platform without slipping off.

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5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teichman et al in view of Nowicki.

Teichman et al discloses the claimed invention as set forth above except the rollers have springs. Nowicki discloses spring for a roller (column 2, lines 9-15). It would have been obvious to one of ordinary skill in the art to add a spring for a roller for the purpose of limiting a movement of a roller along the guide rail.

Response to Arguments

6. Applicant's arguments filed 10/20/03 have been fully considered but they are not persuasive.

Applicant argues that Teichman et al does not disclose the present invention at least the features of an optical interface located a fixed distance above the top surface of the optical platform or the optical module carrier positioning the optical device at a second distance above the optical platform corresponding to the fixed first distance. Examiner disagrees. Applicant is directed to the optical interface that is located a fixed distance above the top surface of the platform in figure 1a of the prior art. The interface 22 or 23 are located a fixed distance above the top surface of 19. The optical module carrier positions the optical device at a second distance above

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the optical platform corresponding to the fixed first distance as shown in figure 1a. The optical interface of the prior art is disposed as applicant describes the optical interface from line 21 of page 10 to line 2 of page 11. Also, there is no relation between the first distance and the second distance.

Applicant argues that the prior art does not disclose any interfaces being a fixed distance within the inspection system. Examiner disagrees. The interface of prior art 22 or 23 is fixed within the inspection system 14, in fact embedded in the inspection system at a fixed first distance as shown in figure 1a. Therefore, the prior art meets this limitation.

Applicant argues that the prior art is silent on distances within the inspection system. Applicant is reminded that the present invention is also silent on the distances of the optical interface. Applicant is directed to the illustration of the interface in line 21 of page 10 to line 2 of page 11.

Applicant argues that the prior art does not disclose using the distances to inspect the PCBs in the inspection system. Examiner agrees with this argument. However, applicant fails to disclose this limitation, the first distance and the second distance for inspecting an optical device in the independent claims. The proper alignment of the devices is not disclosed in the independent claims.


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The breaths of the arguments for claims 11 and 15 are same as claim 13, therefore, the responses are as set forth above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312.



EUNCHA P. CHERRY
Primary Examiner
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